

REMARKS

This Application has been reviewed in light of the final Office Action mailed on November 26, 2010 ("Office Action"). Claims 1-51 are pending in the application. Claims 1 and 39 have been amended, while Claim 52 has been newly added. Applicant submits that no new matter has been added with the claim amendments and new claim.

Section 112 and 101 Rejections

Applicant thanks the Examiner for withdrawing the 35 U.S.C. Section §112, second paragraph, and the 35 U.S.C., Section §101, rejections to the claims.

Section 103 Rejections

The Office Action rejects the claims under 35 U.S.C. §103(a):

- Claims 1-8, 21-27, 33, 34, 36, 37, 39-48, 50, and 51 as being unpatentable over *RFC 2633* by Ramsdell ("*Ramsdell*"); and in further view of U.S. Patent No. 6,496,853 to Klein ("*Klein*"), and U.S. Patent No. 7,035,903 to Baldonado ("*Baldonado*");
- Claims 9-14, 16, 17, 28-32, and 38 as being unpatentable over *Ramsdell* in view of *Klein*, and *Baldonado*, and further in view of U.S. Patent No. 5,958,005 to Thorne et al. ("*Thorne*");
- Claims 15, 19, and 20 as being unpatentable over *Ramsdell* in view of *Klein*, *Baldonado*, and *Thorne*; and further in view of Official Notice;
- Claim 18 as being unpatentable over *Ramsdell* in view of *Klein*, *Baldonado* and *Thorne*; and in further view of U.S. Patent No. 5,544,316 to Carpenter et al. ("*Carpenter*");
- Claim 49 as being unpatentable over *Ramsdell* in view of *Klein* and *Baldonado*, and further in view of Official Notice; and
- Claim 35 as being unpatentable over *Ramsdell* in view of *Klein* and *Baldonado*, and in further view of *RFC 1991* by Atkins ("*Atkins*").

Applicant respectfully traverses these rejections and the assertions and holdings therein, because the *Ramsdell-Klein-Baldonado* combination fails to teach or suggest each and every element of independent claims 1 and 39 as amended. For example, neither *Ramsdell*, *Klein*, nor *Baldonado* have been shown to teach or suggest the elements of Claim 1 reciting that at least two separate messaging settings are available to new, outgoing messages based on whether those outgoing messages are replies to or a forwarded version of a previously stored message, and, based on a determination on the type of the outgoing message, selecting the appropriate messaging settings for the new, outgoing message.

Specifically, Claim 1 recites “determining . . . whether [an] outgoing message is...one of a reply message or a forward message of [a] previously received message,” where “a first messaging setting [is] associated with reply messages and a second messaging setting [is] associated with forward messages.” Claim 1 further recites selecting one of the first or second messaging settings depending on whether the outgoing message “is the reply message of the previously received message” or “is the forward message of the previously received message.” None of the cited references teaches or suggests at least these recited elements of Claim 1.

At best, the primary reference, *Ramsdell*, suggests recipient matching to determine if messages are related and using a general relation, when additional knowledge is unknown, to use similar messaging characteristics in the related outgoing message. *Ramsdell* at section 2.7.1.2. *Ramsdell*, however, does not teach or suggest that different first and second messaging settings are specifically associated with reply messages and forward messages of a particular previously stored message. Further, neither *Klein* nor *Baldonado* teaches or suggests remedies to the deficiencies of *Ramsdell*. *Klein* teaches using the contents of different messages to relate said messages, but fails to teach applying a first or different, second set of messaging characteristics to related outgoing messages based on whether those messages are reply messages or forward messages as recited in example Claim 1. *See Klein* at 11:27-52. Similarly, *Baldonado* teaches methods for identifying related messages, but does not address, teach, or suggest selecting from a first or different second set of messaging characteristics to reply and forward messages related to a particular message as recited in example Claim 1.

For at least these reasons, Applicant submits that example Claim 1 and its dependents are allowable over the *Ramsdell-Klein-Baldonado* combination. Claim 39 has been amended to recite similar elements as those of amended Claim 1, and as such, Applicant submits that Claim 39 and its dependent claims are allowable over the cited references for at least the reasons discussed in terms of Claim 1. Applicant further submits that the additional references in the §103 rejections of the various dependent claims have not been shown to teach or suggest each and every element of independent Claims 1 and 39. For at least these reasons, Applicant requests that the §103 rejection be withdrawn and independent Claims 1 and 39, as well as their dependents, be allowed.

Applicant has added new independent Claim 52 incorporating portions of previously pending (and now cancelled) Claim 50 into the previously pending version of Claim 1. Among other elements, new Claim 52 is related to messaging setting selections when conflicts between potential messaging characteristics exist. Claim 52 recites, in part, where an “outgoing message is related to a first received message having first message characteristics and a second received message having second message characteristics, the second message characteristics different than the first message characteristics” (emphasis added). Claim 52 further recites that selecting the messaging settings associated with the message characteristics of the received message includes “determining whether the first and second message characteristics include conflicting message characteristics” and “selecting only one of the first and second message characteristics based on the content of the outgoing message if the first and second message characteristics include conflicting message characteristics” (emphasis added). *Ramsdell* teaches sending multiple distinct messages if there are conflicting encryption settings between multiple past received messages related to the outgoing message, not “selecting only one of the first and second message characteristics based on the content of the outgoing message if the first and second message characteristics include conflicting message characteristics” as recited in Claim 52. See *Ramsdell* at section 2.7.3. Neither *Klein*, *Baldonado*, or any other of the cited references remedy the deficiencies of *Ramsdell*. For at least these reasons, Applicant submits that Claim 52 is allowable as written, and request allowance of the claim.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. It is believed that all of the pending claims have been addressed. Applicant notes that the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

A Request for Continued Examination accompanies this filing. The RCE fee in the amount of \$810 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization to Deposit Account No. 06-1050. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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